

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL LATOURETTE,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF  
CORRECTIONS et al.,

Defendants.

CASE NO. C12-564 BHS-JRC

ORDER STRIKING DEFENDANTS'  
MOTIONS FOR PARTIAL  
SUMMARY JUDGMENT

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR1, MJR3 and MJR4.

Currently before the Court are two motions for partial summary judgment filed by defendants (ECF Nos. 100 and 104).

On April 17, 2014, defendants filed a 13-page Motion for Partial Summary Judgment re: Medical Claims (ECF No. 100). On April 25, 2014, defendants filed a 24-page Motion for

1 Summary Judgment (renewed) (ECF No. 104). Together, the motions exceed the page limit  
2 authorized by the local rules.

3 Local Civil Rule 7(e)(3) provides:

4 Motions for summary judgment . . . shall not exceed 24 pages. . . .  
5 Absent leave of the court, parties must not file contemporaneous  
6 dispositive motions, each one directed toward a discreet issue or claim.

7 Plaintiff objected to defendants' filings and moved to strike the motions (ECF No. 120, at  
8 pp. 9-11). Defendants responded by claiming that "contemporaneous" means noting the partial  
9 summary judgment motions on the same date (ECF No. 124, at p. 12). As noted by plaintiff, if  
10 this interpretation was accepted it would create "an end-around the court's page limitations"  
11 (ECF No. 120, p. 12). Most recently, in the case of *Colorado Casualty Ins. Co. v. Starline*  
12 *Windows Inc.*, Judge Coughnour found a violation of LCR 7(e)(3) when a party filed 41 pages  
13 of summary judgment motions in three separate motions with three different noting dates on  
14 three successive weeks (C12-2218-JCC, 2014 WL 1328491 at \*1 (WD Wash. April 1, 2014)).

15 As noted by the Judge Coughnour:

16 The local rules require that motions for summary judgment not exceed  
17 24 pages. *See* W.D. Wash Local Civ. R. 7(e)(3). In recognition that  
18 parties may attempt to evade these page limits by filing multiple  
19 motions on discreet claims, the Rules also prohibit parties from  
20 making contemporaneous filings on discreet issues, such as those here.

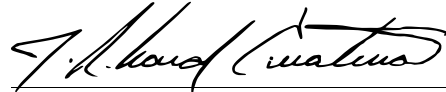
21 The Court determined that filing multiple motions on successive weeks was in violation  
22 of the Rules. *Id.* This Court agrees.

23 Defendants' motions for partial summary judgment (ECF Nos. 100, 104) are hereby  
24 STRICKEN. Leave is granted to defendants to re-file a motion for summary judgment in  
conformity with the local rules no later than July 3, 2014. Any response to the summary

//

1 judgment motion shall be filed by July 21, 2014, and the reply, if any, shall be filed by July 25,  
2 2014. The projected noting date will be July 25, 2014.

3 Dated this 17<sup>th</sup> day of June, 2014.

4 

5 J. Richard Creatura  
6 United States Magistrate Judge  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24